

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

SHANE K. HOPKINS,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 05-870-SLR
	)	
JOHN PUSEY, JOSEPH SMITH,	)	
DAVID PIERCE, LISE MERSON,	)	
JUDITH MULLEN, DREWRY FENNELL,	)	
M. JANE BRADY	)	
	)	
Defendants.	)	

**DEFENDANTS PIERCE, MERSON AND BRADY'S MOTION TO DISMISS  
PURSUANT TO RULE 12(b)(6) OF THE FEDERAL RULES OF CIVIL PROCEDURE**

COME NOW, Defendants David Pierce, Lise Merson and M. Jane Brady, by and through undersigned counsel, and hereby respectfully request that this Honorable Court enter an Order, pursuant to Rule 12 (b)(6) of the Federal Rules of Civil Procedure, dismissing with prejudice all claims against the defendants. In support of his motion to dismiss Defendants have filed simultaneously herewith a memorandum of points and authorities demonstrating the requested relief.

WHEREFORE, Defendants respectfully requests that this Honorable Court enter an Order dismissing Plaintiff's claims with prejudice.

**STATE OF DELAWARE  
DEPARTMENT OF JUSTICE**

/s/ Lisa Barchi  
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Deputy Attorney General  
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Attorney for Defendants Pierce, Merson and  
Brady

DATE: May 26, 2006

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SHANE K. HOPKINS,	)	
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v.	)	C.A. No. 05-870-SLR
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JOHN PUSEY, JOSEPH SMITH,	)	
DAVID PIERCE, LISE MERSON,	)	
JUDITH MULLEN, DREWRY FENNELL,	)	
M. JANE BRADY	)	
	)	
Defendants.	)	

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2006, the Motion to Dismiss filed by Defendants Pierce, Merson and Brady in the above-captioned matter having been duly considered, and any opposition thereto,

IT IS ORDERED that the Motion to Dismiss is granted and that judgment is hereby entered in favor of the movants and against the Plaintiff.

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J.

**CERTIFICATE OF SERVICE**

I hereby certify that on May 26, 2006, I electronically filed *Defendants' Motion to Dismiss* with the Clerk of Court using CM/ECF. I hereby certify that on May 26, 2006, I have mailed by United States Postal Service, the document to the following non-registered participants:

Shane Hopkins  
SBI # 253918  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977

**STATE OF DELAWARE  
DEPARTMENT OF JUSTICE**

/s/ Lisa Barchi  
Deputy Attorney General  
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